

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

Civil Action No. 09-00029-CG

WALES WEST, LLC, d/b/a

**WALES WEST RV RESORT and TRAIN
and GARDEN LOVERS FAMILY PARK,**

Defendant.

AMENDMENT TO CONSENT DECREE

This matter is before the Court on the parties' Joint Motion to Extend and Amend the Consent Decree (Doc. 39) in which the parties proposed a resolution of Defendant's compliance deficiencies following the parties' good faith resolution of disputes which arose in the implementation and enforcement of the Consent Decree (Doc. 38, paragraph 13). After review and consideration of the matters presented in the Joint Motion to Extend and Amend the Consent Decree, including Defendant's admission of its deficiencies, the Court believes that entry of this Amendment to the Consent Decree is in the best interest of justice.

Therefore, it is **ORDERED** that the following provisions shall be added to and shall supplement the original consent decree (Doc. 38) with the addition of the following numbered paragraphs, as follows:

21. The terms of the Consent Decree, and as amended herein, shall be extended to January 19, 2016.

22. Defendant shall provide to the United States for review and approval, as required by Paragraph 8, all written policies, practices, and procedures regarding Defendant's obligations under title III of the ADA no later than 30 days from the date of this Amendment to the Consent Decree.

23. Defendant shall provide proof of the staff training required by Paragraph 9 of the Decree no later than 30 days from the date of the entry of this Amendment to Consent Decree. Defendant shall also provide proof of subsequent annual and new employee/staff training as a component of Defendant's quarterly reporting requirements, described more fully below in Paragraph 24, below.

24. Defendant shall provide quarterly reports to the United States to confirm and report on Defendant's compliance with this Decree, to include an explanation of, and supporting documentation for, all actions taken by Defendant to meet its obligations under this Decree. Defendant's quarterly report will include, but is not limited to, proof of

training of any new staff, employee, or seasonal volunteer;
photographs of the placement of the required non-discriminatory
policies; copies of all promotional signs, materials, brochures, websites,
or the like used to advertise or otherwise promote the business; and a
detailed description of any complaints from persons with disabilities
(including contact information for all involved) during the reporting
period. The reports shall be filed quarterly and not later than March
31, June 30, September 30, and December 31, respectively, of each
year from now until January 19, 2016, with the Civil Rights
Enforcement Unit, Civil Division, U.S. Attorney's Office, Southern
District of Alabama, 63 South Royal Street, Suite 600, Mobile,
AL 36602.

25. Defendant has stipulated that its past conduct is fully sufficient
to support the entry of an Order of civil penalty for the failure to
comply with the Consent Decree (Doc. 38) in the amount of \$10,000,
and not more. Pursuant to the parties' good faith negotiations to
resolve matters, however, the parties have agreed to hold in abeyance
a motion for the imposition of a civil penalty against Defendant for its
past failures to comply with the Consent Decree. If Defendant fully
complies with the terms of this Amendment to Consent Decree then
the United States may not seek the \$10,000 civil penalty for
Defendant's past failure; if, however, Defendant is not in full

compliance during the extended term of the Amendment to Consent Decree, the United States shall move this Court, unopposed by Defendant, for the \$10,000 civil penalty against Defendant that was previously held in abeyance. Moreover, the United States may also move the Court for an additional civil penalty for any failure to comply by Defendants between the date of this Joint Motion and the end of the term of the Amendment to Consent Decree.

DONE and ORDERED this 18th day of January, 2013.

/s/ Callie V. S. Granade

UNITED STATES DISTRICT JUDGE